

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*,

Defendants.

Civil Action No. 3:17-01362

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*,

Defendants.

Civil Action No. 3:17-01665

STIPULATION AND [PROPOSED] ORDER REGARDING TRIAL WITNESSES

Plaintiffs, the City of Huntington and Cabell County Commission, and Defendants, AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, the “Parties”), agree to the following terms and conditions of this stipulation to be filed and approved by the Court:

1. The Parties hereby agree that the following procedures shall apply to all trial witnesses in this matter:

- a. The trial witness lists will differentiate between those witnesses a Party will call, and those witnesses a Party may call.
- b. If any person appears on a Party's "will call" trial witness list who has not been deposed in any opioid litigation, the opposing Parties will have the right to take a deposition of that person at least 2 weeks before trial.
- c. If a Party subsequently decides to call a witness who was previously listed as a "may call witness" and who has not been deposed before in any opioid litigation, it must give sufficient advance notice to the opposing Party such that the opposing Party can depose the witness at least 7 days before the witness testifies.
- d. For witnesses subject to 1(b) or 1(c), the opposing party shall produce the custodial file of the witness 14 days prior to the scheduled deposition to the extent the custodial file is in the custody and control of the opposing party and has not already been produced.

WHEREFORE, the Parties respectfully request that the Court approve this stipulation.

Dated: July 13, 2020

Respectfully submitted,

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| <p><i>City of Huntington</i> By Counsel:</p> <p><u>/s/ Anne McGuinness Kearse</u> Anne McGuinness Kearse (WVSB No. 12547) Joseph F. Rice MOTLEY RICE LLC 28 Bridgeside Blvd. Mount Pleasant, South Carolina 29464 Tel.: (843) 216-9000 Fax: (843) 216-9450 akearse@motleyrice.com jrice@motleyrice.com</p> <p>Charles R. "Rusty" Webb (WVSB No. 4782) THE WEBB LAW CENTRE, PLLC</p> | <p><i>McKesson Corporation</i> By Counsel:</p> <p><u>/s/ Jeffrey M. Wakefield</u> Jeffrey M. Wakefield (WVSB No. 3894) Jason L. Holliday (WVSB No. 12749) FLAHERTY SENSABAUGH BONASSO PLLC P.O. Box 3843 Charleston, West Virginia 25338-3843 Tel.: (304) 345-0200 jwakefield@flahertylegal.com jholliday@flahertylegal.com</p> |
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Date:

STIPULATION APPROVED:

DAVID A. FABER
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 2020, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF Systems.

/s/ Gretchen M. Callas
Gretchen M. Callas (WVSB # 7136)